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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,400	03/25/2004	Siegfried Bernhardt		5561

7590 03/13/2006
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EXAMINER

WELCH, GARY L

ART UNIT PAPER NUMBER

3765

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/808,400	Applicant(s) BERNHARDT ET AL.	
	Examiner Gary L. Welch	Art Unit 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 10/1, 10/2, 10/3, 11/10/1, 11/10/2, 11/10/3 and 12 is/are rejected.
- 7) ☒ Claim(s) See Continuation Sheet is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03252004</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims objected to are 4-9, 10/4, 10/5, 10/6, 10/7, 10/8, 10/9, 11/10/4, 11/10/5, 11/10/6, 11/10/7, 11/10/8, 11/10/9.

DETAILED ACTION

Claim Objections

1. Claims 10/9 and 11/10/9 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims (10/9 and 11/10/9) have not been further treated on the merits.

Claim Rejections - 35 USC § 102

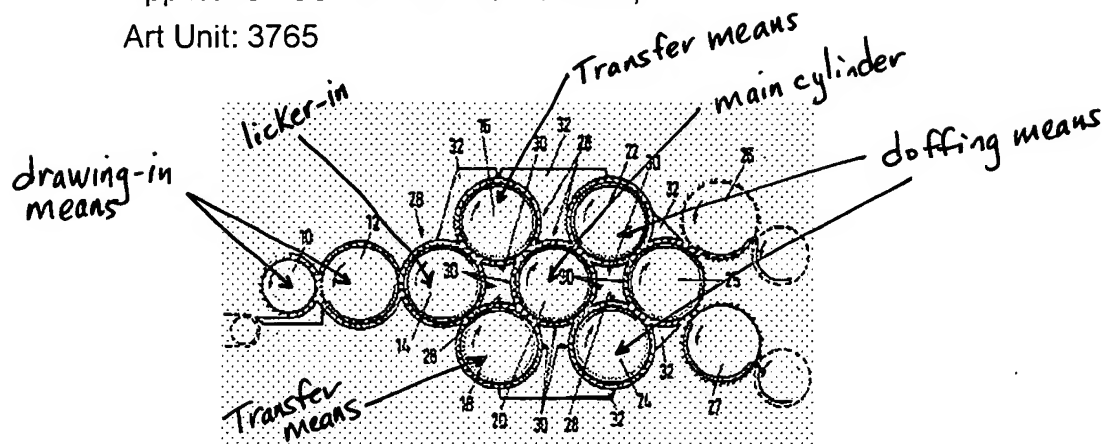
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Bernhardt et al. (U.S. 4,852,217).

Bernhardt et al. discloses a nonwoven card having a drawing-in means (10, 12), a licker-in 14, a main cylinder 20 and at least one fiber doffer means (22, 24) engaged with the main cylinder 20. The drawing-in means (10, 12) transfers the fiber material to the licker-in 14 and a transfer means (16, 18) transfers the fiber material at least doubled from the licker-in 14 to the main carding cylinder 20 via rollers. The rollers of the transfer means (16, 18) is a random roller rotating in the same direction as the main cylinder 20 and the licker-in 14.



With regard to claim 2, the transfer means (16, 18) has only single roller between the licker-in 14 and the main cylinder 20 on at least one or each transfer path.

With regard to claim 3, the only single roller is a random roller.

With regard to claim 12, the method steps are disclosed in the above rejections to the apparatus claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10/1, 10/2, 10/3, 11/10/1, 11/10/2 and 11/10/3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernhardt et al. (U.S. 4,852,217) in view of Rubenach (U.S. 6,553,630).

With regard to claims 10/1, 10/2 and 10/3, Bernhardt et al. discloses the invention substantially as claimed above.

However, Bernhardt et al. does not disclose that the at least one random roller of the transfer means has carding elements.

Rubenach teaches a fiber processing system for producing a nonwoven product having a carding machine 19, a drawing-in means (16₁; 16₂) and a licker-in 17, transfer roller 18 and doffer 20. The licker-in 17 transfers the fiber from the drawing-in means (16₁; 16₂) to transfer roller 18 and is broadly considered a transfer roller. The licker-in (i.e., transfer roller) has a pair of carding elements (25, 26) for pre-cleaning and parallelization of the fibers prior to the main carding cylinder 19 so as to provide extra cleaning and removal of trash and other waste from the nonwoven fiber prior to further downstream processing.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a pair of carding elements as taught by Rubenach to the transfer cylinder of Bernhardt et al. so as to pre-clean and parallelization of the fibers prior to the main carding cylinder so as to provide extra cleaning and removal of trash and other waste from the nonwoven fiber prior to further downstream processing.

With regard to claims 11/10/1, 11/10/2 and 11/10/3, the carding elements (25, 26) are worker/clearer rollers.

Allowable Subject Matter

6. Claims 4-9, 10/4, 10/5, 10/6, 10/7, 10/8, 10/9, 11/10/4, 11/10/5, 11/10/6, 11/10/7, 11/10/8 and 11/10/9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schmiedgen et al. '350, Napolitano '214, Taine et al. '929, Bernhardt et al. '343, Vesa '685 and Lasenga et al. '313 disclose various nonwoven carding machines.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary L. Welch whose telephone number is (571) 272-4996. The examiner can normally be reached on Mon-Fri 5:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gary L. Welch
Primary Examiner
Art Unit 3765

glw